IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

WP(C).No. 29527 of 2007(M)

PETITIONER:

M.J.ROY
ROY VILLA, THONNALLOOR,
PANDALAM-689 501.

BY ADV. SRI.P.R.PADMANABHAN NAIR

RESPONDENTS:

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1. THE CONTROLLER OF EXAMINATION,
M.G.UNIVERSITY,
PRIYADARSHINI HILLS P.O.
KOTTAYAM-

2. THE VICE CHANCELLOR,
M.G.UNIVERSITY,
PRIYADARSHINI HILLS P.O.,
KOTTAYAM-686 560.

BY SC FOR UNIVERSITY SRI. T.A. SHAJI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J

W.P.(C).29527/2007

Dated this the 26th day of November, 2007

JUDGMENT

Petitioner submits that he is a Post Graduate in Commerce, now working as an Inspector in the Income Tax Department. Petitioner had appeared for an aptitude test on December, 2006 for enrollment for P.hd and was not successful in his endeavor. It is in this background this writ petition has been filed seeking a direction to the respondents to revalue Ext.P4 answer papers of the petitioner by an expert valuer.

2. Respondents has filed a detailed counter affidavit in which, the marks that were awarded by the valuer has been extracted. According to the examiner, answers given by the petitioner were unsatisfactory and the marks awarded to the candidate do not require any change. It is stated that the answers given by the petitioner in Ext.P4 shows his misunderstanding of the subject and his attempt was to present wrong and irrelevant statements. According to the valuer, answers lack introduction, facts

and points, his own analysis and a proper conclusion which are very much essential in an essay type answer.

3. I heard the learned counsel on either side.

4. Power of this Court in a matter of this nature is very limited and the normal approach is to leave it to experts. Petitioner has not succeeded in satisfying that the person who has valued Ext.P4 answer papers is not an expert, though he complained that the answers given by him are correct and he deserved success in the examination. Petitioner also does not refer to any statutory rule or regulation to support his plea for revaluation. Therefore, I take it that his request for yet another valuation of his answer papers does not have any statutory backing. It has been held by the Apex Court in **(2007 (4) KLT 535)** that the claim for valuation of papers, further verifications etc., are to be determined in terms of the rules and regulations of the University. Thus, in the absence of any statutory

support, this Court will not be justified in directing a revaluation as sought for in this writ petition.

5. For the above said reasons, I am not satisfied that the petitioner has made out any case for interference in this writ petition.

Writ petition fails and the same is dismissed.

ANTONY DOMINIC
Judge

mrcs